

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

FREDERICK BANKS, #05711-068

PETITIONER

VERSUS

CIVIL ACTION NO. 5:08cv313-DCB-MTP

BRUCE PEARSON, Warden FCI-Yazoo City, et al.

RESPONDENTS

FINAL JUDGMENT

This cause is before the Court, sua sponte, for consideration of dismissal. Pursuant to the memorandum opinion issued this day, it is hereby, ORDERED AND ADJUDGED that this cause filed pursuant to 28 U.S.C. § 2241 be dismissed with prejudice as frivolous and to the extent that the petition can be construed as a § 2255 motion it shall be dismissed with prejudice for this Court's lack of jurisdiction.

SO ORDERED AND ADJUDGED, this the 20th day of January, 2009.

s/ David Bramlette

UNITED STATES DISTRICT JUDGE